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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,234	12/03/2001	Jonathan L. Rowlands	TI-29978	5084

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EXAMINER

HENNING, MATTHEW T

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/998,234	ROWLANDS, JONATHAN L.
	Examiner	Art Unit
	Matthew T Henning	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 03 December 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-6 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-6 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 03 December 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

This action is in response to the communication filed on 12/03/2001.

DETAILED ACTION

1. Claims 1-6 have been examined.

Title

2. The title of the invention is acceptable.

Priority

3. The application has been filed under Title 35 U.S.C §119, claiming priority to provisional application 60/256,978, filed on 12/21/2000.
4. The effective filing date for the subject matter defined in the pending claims in this application is 12/21/2000.

Drawings

5. The drawings filed on 12/03/2001 are acceptable for examination proceedings.

Specification

6. The disclosure is objected to because of the following informalities:

Page 4 Line 27 recites “he has fully access to the music” which is grammatically incorrect.

Page 5 Lines 21-22 recites “a kiosk in a mail” which does not make sense.

Page 6 Line 10 “zero-knowledge” should be capitalized.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 1 recites the limitation "the receiver's" in line 3. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 5 recites the limitations "the receiver" in line 2, "the sender" in line 3, and "the unencrypted data" in lines 4-5. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claim 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al. (US patent number 6,574,609) hereinafter referred to as Downs.

13. Regarding claim 1, Downs disclosed a method of data distribution preserving rights of a remote party comprising the steps of: an authorized user locally transmitting data to new user

(See Downs Col. 78 Lines 52-56 and Fig. 10); and authorizing the receiver's use of the data by a trusted agent (See Downs Col. 78 Lines 41-52 and Fig. 10).

14. Claim 2 is rejected for the same reasons as claim 1 above.
15. Regarding claim 3, Downs disclosed a method of data distribution preserving rights of a remote party comprising the steps of: the sender choosing an encryption key for the receiver's use (See Downs Col. 22 Lines 17-19); the sender encrypting the data using the key (See Downs Col. 22 Lines 17-19); the sender encrypting the encryption key using a public encryption key of a trusted agent (See Downs Col. 22 Lines 20-21); the sender locally transmitting both the encrypted data and the encrypted key to the receiver (See Downs Col. 22 Lines 30-59 and Col. 23 Lines 36-41); the receiver and the trusted agent negotiating licensing and payment for the data (See Downs Col. 22 Line 60 – Col. 23 Line 28); the receiver transmitting the encrypted key to the trusted agent (See Downs Col. 22 Line 60 – Col. 23 Line 28); the trusted agent decrypting the encryption key (See Downs Col. 23 Lines 22-23); and the trusted agent sending the decrypted encryption key to the receiver to receive the full data (See Downs Col. 23 Lines 22-28).
16. Regarding claim 4, Downs disclosed the receiver choosing a new encryption key unknown to the sender and encrypting the data with the new encryption key (See Downs Col. 79 Lines 26-37).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downs, and further in view of Jones et al. (US Patent number 6,697,944) hereinafter referred to as Jones.

19. Regarding claim 5, Downs disclosed a method of data distribution preserving rights of a remote party comprising the steps of: the receiver negotiating licensing and payment with a trusted agent (See Downs Col. 22 Line 60 – Col. 23 Line 28); the agent transmitting a ticket to a receiver (See Downs Col. 22 Line 60 – Col. 23 Line 28); the sender interrogating the receiver to determine if the ticket is valid and halts if not (See Downs Col. 66 Lines 34-42); the sender transmitting the data to the receiver (See Downs Col. 23 Lines 36-46). However, Downs failed to disclose sending the data in un-encrypted form.

Jones teaches a system in which a kiosk can be used to transmit music content to a music player in which a level of trust is established for each player, and when a player with high levels of trust is used, the content sent to the player may be unencrypted (See Jones Col. 11 Lines 17-44).

It would have been obvious to the ordinary person skilled in the art at the time of invention to employ the teachings of Jones in the content distribution system of Downs by allowing downloads to occur at a kiosk directly to a media player. This would have been obvious because the ordinary person skilled in the art would have been motivated to provide the added flexibility to users by not requiring a computer in order to download the content. It further would have been obvious to the ordinary person skilled in the art at the time of invention to employ the teachings of Jones in the content distribution system of Downs by allowing

unencrypted content to be downloaded to players with high levels of trust. This would have been obvious because the ordinary person skilled in the art would have been motivated to reduce the amount of processing necessary to provide the content to the player and to play the content in the player.

20. Regarding claim 6, the combination of Downs and Jones disclosed that the receiver could choose a key and encrypt the data (See Downs Col. 79 Lines 26-37).

Conclusion

21. Claims 1-6 have been rejected.

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Michel et al. (US Patent Number 5,625,690) disclosed a software pay per use system in which a trusted third party provided a decryption key to a new user for encrypted content.

b. Sirbu et al. (US Patent Number 5,809,144) disclosed a system for purchasing electronic goods over a network in which a trusted third party provides a key for the electronic goods once the goods have been properly paid for.

c. Saito (US Patent Number 6,408,390) disclosed a copyright management system in which a user provided a copy of an encrypted work and a key to decrypt the work once payment was made for the content.

d. Yamasaki et al (US Application Publication Number 2002/0161997) disclosed a system for providing encrypted content to a user and the user negotiating license and

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payment information with a trusted third party, and the trusted third party providing the key to decrypt the content.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew T Henning whose telephone number is (571) 272-3790. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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3/13/2005



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